

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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BKY No. 13-42355

In re:

Donald Andrew Driggs,

**NOTICE OF SETTLEMENT**

Debtor.

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To: The United States Trustee, all creditors and other parties in interest.

On or after, December 9, 2016, or as soon thereafter as the transaction may be completed, the undersigned trustee of the estate of the debtor named above will settle a claim of the bankruptcy estate as follows:

Plaintiff Mary Cocchiarella (“Tenant”), by and through her attorney, and Defendant Donald A. Driggs (“Landlord”) (collectively, “the parties”), and with the participation and approval of Chapter 7 Bankruptcy Trustee Randall L. Seaver, jointly stipulate as follows:

On June 5, 2014, pursuant to Stipulation of Tenant and Landlord, Hennepin County District Court Referee JaPaul J. Harris entered an Order directing that \$4800 (forty-eight hundred no xx/00 dollars) (“bond deposit”)--on deposit with the Housing Court in connection with the Tenant’s lockout petition---be held by the Court as and for bond pending the determination of the Tenant’s Judge Review action, brought following the Referee’s ruling on Tenant’s lockout petition. All of these funds originated with Tenant. On October 21, 2014, District Court Judge Marta M. Chou entered an Order affirming the Referee’s lockout petition decision, which had dismissed Tenant’s lockout petition with prejudice. On May 8, 2013, Landlord filed a petition for relief pursuant to Chapter 11 of the United States Bankruptcy Code, and that Chapter 11 case was converted to a Chapter 7 case pursuant to an Order of the Bankruptcy Court dated August 27, 2014. The facts giving rise to this state court lockout petition took place after May 8, 2013, but prior to August 27, 2014, thus any possible claim Landlord may have against the bond deposit, since it has not been exempted, is property of Landlord’s bankruptcy estate, subject to administration by the Chapter 7 Trustee, pursuant to 11 U.S.C. § 704. Pursuant to Stipulation of the parties, on May 25, 2014, the Bankruptcy Court entered an Order granting Tenant relief from the automatic stay to pursue this state court action. On October 31, 2014, Tenant served and filed a Notice of Appeal and related documents, seeking review of Judge Chou’s ruling in the Minnesota Court of Appeals. On September 8, 2015, the Minnesota Court of Appeals filed its decision affirming in part, reversing in part, and remanding the matter to the Housing Court for further proceedings. On October 8, 2015, Tenant served and filed a Petition for Review with the Minnesota Supreme Court. On December 15, 2015, the Minnesota Supreme Court filed an Order granting Tenant’s Petition for Review. On August 31, 2016, the Minnesota Supreme Court filed its decision reversing that part of the decision of the Minnesota Court of Appeals ruling under review, and remanded the matter to the Housing Court for further proceedings. On October 19, 2016 the Housing Court issued a Notice of Hearing setting this matter for hearing 8:30 a.m. Wednesday, November 16, 2016.

The parties have agreed to resolve all issues relating to this matter on the following terms:

1. Landlord agrees and Stipulates that the entire \$4800 (forty eight hundred dollars) currently on deposit with the housing court or with the district court administrator as bond pursuant to the Housing Court's Order of June 5, 2014, may be immediately released to Tenant, and that Landlord will not oppose any motion or request for its release by Tenant, and Landlord will not make any claims for deductions of any kind from this \$4800, and Landlord permanently waives any claims for costs, disbursements, or fees in connection with this action and also in connection with bankruptcy adversary proceeding no. 14-4227 (WJF). Further, Landlord agrees to cooperate and execute documents as may be necessary to give this Stipulation full effect and conclude the above adversary proceeding.

2. Upon approval of this Stipulation in both the Housing Court and the U.S. Bankruptcy Court, the parties agree that the Court may immediately dismiss this action, no. 27-CV-HC-14-967.

3. Each party shall bear his or her own costs in Housing Court action no. 27-CV-HC-14-967, and in bankruptcy adversary proceeding no. 14-4227 (WJF). Each party expressly waives any claim or entitlement to costs, disbursements, or attorney's fees, whether available pursuant to statute or otherwise. Tenant releases all claims against the bankruptcy estate in case no. 13-42355 WJF, and withdraws with prejudice her proof of claim filed in that bankruptcy case.

4. Landlord and the bankruptcy estate in Landlord's bankruptcy case permanently waive any and all claims, counterclaims, cross claims, causes of action, or the like Landlord or the bankruptcy estate in Landlord's bankruptcy case had or may have had against Tenant in connection with Tenant's lockout petition or events preceding and giving rise to, or related to Tenant's lockout petition, and permanently release Tenant from any such claims, counterclaims, cross claims or causes of action, actual or possible.

5. All terms of this Stipulation are inter-dependent.

6. This Stipulation constitutes the full and complete agreement of the parties, and may be modified only by subsequent agreement signed by all parties and the Chapter 7 Trustee. Acceptance of this Settlement offer by Landlord shall be by notarized signature of Landlord. Tenant reserves the right to revoke this Settlement offer at any time before Landlord's acceptance is received by Tenant's legal counsel.

7. This Settlement Agreement and Stipulation is subject to and contingent upon Bankruptcy Court approval, which shall be sought by the Trustee.

The trustee believes the settlement terms to be reasonable and in the best interest of the estate.

**OBJECTION: MOTION: HEARING.** Under applicable rules, any objection must be in writing, be delivered to the trustee and the United States Trustee, and be filed with the clerk, not later than 12:00 o'clock noon on the day before the above date. If an objection is made or an order is required, the trustee moves the court for such orders as may be necessary and appropriate. If an

objection is timely delivered and filed, the court will hold an expedited hearing on the objection with reduced notice of the hearing. The hearing will be scheduled by the trustee with notice by the trustee to the objecting party and the United States Trustee.

Office of the Clerk  
U.S. Bankruptcy Court  
300 South Fourth Street, Suite 301  
Minneapolis, MN 55415

Office of the U.S. Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Trustee (see address  
below)

Dated: November 16, 2016

/e/ Randall L. Seaver  
Randall L. Seaver, Trustee  
12400 Portland Avenue South, Suite 132  
Burnsville, MN 55337  
(952) 890-0888

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

IN RE: DONALD ANDREW DRIGGS

CASE NO: 13-42355

**DECLARATION OF MAILING  
CERTIFICATE OF SERVICE**

Chapter: 7  
ECF Docket Reference No.  
Judge:  
Hearing Location:  
Hearing Date:  
Hearing Time:  
Response Date:

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On 11/16/2016, I did cause a copy of the following documents, described below,  
Notice of Settlement,

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

DATED: 11/16/2016

/s/ Randall L. Seaver  
Randall L. Seaver 152882  
Trustee in Bankruptcy  
12400 Portland Avenue South  
Burnsville, MN 55337  
952 890 0888  
tjameson@fssklaw.com

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

IN RE: DONALD ANDREW DRIGGS

CASE NO: 13-42355

**CERTIFICATE OF SERVICE  
DECLARATION OF MAILING**

Chapter: 7  
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Response Date:

On 11/16/2016, a copy of the following documents, described below,

Notice of Settlement,

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 11/16/2016



Jay S. Jump  
BK Attorney Services, LLC  
d/b/a certificateofservice.com, for  
Trustee in Bankruptcy  
Randall L. Seaver  
12400 Portland Avenue South  
Burnsville, MN 55337

CASE INFO

1 LABEL MATRIX FOR LOCAL NOTICING  
08644  
CASE 13-42355  
DISTRICT OF MINNESOTA  
MINNEAPOLIS  
WED NOV 16 10-23-33 CST 2016

2 BANK OF AMERICA NA  
CO WILFORD GESKE COOK PA  
8425 SEASONS PKWY SUITE 105  
WOODBURY MN 55125-4393

3 CITIMORTGAGE INC  
4500 PARK GLEN ROAD  
SUITE 300  
MINNEAPOLIS MN 55416-4891

4 CITIMORTGAGE INC  
CO WILFORD GESKE COOK PA  
8425 SEASONS PARKWAY  
SUITE 105  
WOODBURY MN 55125-4393

5 FIA CARD SERVICES NA  
4161 PIEDMONT PARKWAY  
NC4 105 03 14  
GREENSBORO NC 27410

6 FULLER SEAVER SWANSON KELSCH  
12400 PORTLAND AVENUE SOUTH STE 132  
BURNSVILLE MN 55337-6805

7 IRS  
SPECIAL ASST US ATTORNEY  
380 JACKSON ST STE 650  
ST PAUL MN 55101-4804

8 JPMORGAN CHASE BANK NATIONAL  
ASSOCIATION  
4500 PARK GLEN ROAD  
SUITE 300  
ST LOUIS PARK MN 55416-4891

9 NATIONSTAR MORTGAGE LLC  
WILFORD GESKE COOK PA  
8425 SEASONS PKWY SUITE 105  
WOODBURY MN 55125-4393

10 THE BANK OF NEW YORK MELLON FKA  
THE BANK OF  
SHAPIRO ZIELKE LLP  
12550 WEST FRONTAGE ROAD  
SUITE 200  
BURNSVILLE MN 55337-2475

11 WELLS FARGO BANK NA  
25 N DALE ST 2ND FLR  
ST PAUL MN 55102-2227

12 MINNEAPOLIS  
301 US COURTHOUSE  
300 SOUTH FOURTH STREET  
MINNEAPOLIS MN 55415-1320

13 CITIMORTGAGE INC  
PO BOX 688971  
DES MOINES IA 50368-8971

14 A J DRIGGS  
12135 13TH ST NW  
SPICER MN 56288-9314

15 ACMC  
PO BOX 1318  
WILLMAR MN 56201-1318

16 ARNEL OIL CO  
33 OLD HYW 8 NW  
NEW BRIGHTON MN 55112

17 AURORA LOAN SERVICES  
2617 COLLEGE PARK  
PO BOX 1706  
SCOTTSBLUFF NE 69363-1706

18 BANK OF AMERICA  
PO BOX 15726  
WILMINGTON DE 19886-5726

19 BANK OF AMERICA  
PO BOX 15726  
WILMINGTON DE 19886-5726

20 BDS  
2430 ENTERPRISE DRIVE  
SAINT PAUL MN 55120-1143

21 BERGERSON CASWELL  
5115 INDUSTRIAL STREET  
MAPLE PLAIN MN 55359-8610

22 CENTERPOINT ENERGY  
PO BOX 1144  
MINNEAPOLIS MN 55440-1144

23 CENTERPOINT ENERGY  
PO BOX 4567  
HOUSTON TX 77210-4567

24 CHASE BANK  
PO BOX 78420  
PHEONIX AZ 85062-8420

25 CHASE CARDMEMBER SERVICES  
PO BOX 94014  
PALATINE IL 60094-4014

26 CHASE CARDMEMBER SVCS  
PO BOX 790005 ATTN MS305  
PALATINE IL 60094-4014

27 CIT I MORTGAGE  
PO BOX 689196  
DES MOINES IA 50368-9196

28 CITI MORTGAGE  
PO BOX 790005  
ATN MS 305  
SAINT LOUIS MO 63179-0005

29 CITY OF ORONO  
2750 KELLEY PARKWAY  
CRYSTAL BAY MN 55323

30 CITY OF ORONO  
750 KELLEY PKWY  
CRYSTAL BAY MN 55323

31 CITY OF ORONO  
PO BOX 66  
CRYSTAL BAY MN 55323-0066

32 CONVERGENT OUTSOURCING INC  
800 SW 39TH  
PO BOX 9004  
RENTON WA 98057-9004

33 COY ASSOCIATES  
5700 SMETANA DR STE 110  
HOPKINS MN 55343-9686

34 CRAIG HOLMGREN  
412 LAKELAND DRIVE NE  
WILLMAR MN 56201-2605

35 CROWN BANK EDINA  
6600 FRANCE AVE SO  
EDINA MN 55435-1805

36 CHARLES PRIESS  
8817 W 35TH STREET  
315  
ST LOUIS PARK MN 55426-3899

37 DAVID UMBEHOCKER  
3860 SHORELINE DRIVE  
WAYZATA MN 55391-9785

38 DISCH JOSEPH ET AL  
11189 HILLSBORO AVE NO  
CHAMPLIN MN 55316-3128

39 DOOLEYS PETROLEUM INC  
PO BOX 100  
MURDOCK MN 56271-0100

40 FIA CARD SERVICES NA  
P O BOX 982284  
EL PASO TX 79998-2284

41 FIRST NATIONAL BANK OF LAKES  
2445 SHADYWOOD RD  
NAVARRE MN 55392

42 HINSHAW CULBERTSON  
333 S 7TH ST  
SUITE 2000  
MINNEAPOLIS MN 55402-2431

43 HOLLY L NEFF  
3543 24TH AVE S  
MINNEAPOLIS MN 55406-2529

44 INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

45 JC CHRISTENSEN ASSOC  
PO BOX 519  
SAUK RAPIDS MN 56379-0519

46 JPMORGAN CHASE BANK NATIONAL  
ASSOCIATION  
3415 VISION DRIVE MAIL CODE OH47142  
COLUMBUS OH 43219-6009

47 KANDIYOHI COUNTY  
PO BOX 896  
WILLMAR MN 56201-0896

48 LDC COLLECTIONS  
PO BOX 4967  
TRENTON NJ 08650-4967

49 MARILYN WASIK  
3201 HENNEPIN AVE  
MINNEAPOLIS MN 55408-3448

50 MARILYN WASIK  
5452 EMERSON AVE S  
MINNEAPOLIS MN 55419-1619

51 MARY COCCHIARELLA  
1096 E ST  
ST PAUL MN 55106

52 MARY COCCHIARELLA  
CO GARY VAN WINKLE ESQ  
430 FIRST AVENUE NORTH 300  
MINNEAPOLIS MN 55401-1742

53 MINNEAPOLIS FINANCE DEPT  
PO BOX 77028  
MINNEAPOLIS MN 55480-7728

54 MN DEPARTMENT OF REVENUE  
BANKRUPTCY SECTION  
PO BOX 64447  
ST PAUL MN 55164-0447

55 MN DEPT OF LABOR INDUSTRY  
443 LAFAYETTE ROAD  
SAINT PAUL MN 55155-4301

56 NATIONSTAR MORTGAGE LLC  
PO BOX 619096  
DALLAS TX 75261-9096

57 NATIONSTAR MORTGAGE  
PO BOX 650783  
DALLAS TX 75265-0783

58 NORTHERN STATES POWER  
XCEL ENERGY  
PO BOX 9477  
MINNEAPOLIS MN 55484-9477

59 NORTHERN STATES POWER CO  
XCEL ENERGY  
3215 COMMERCE ST  
LA CROSSE WI 54603-1755

60 NSP DBA XCEL ENERGY  
PO BOX 9477  
MINNEAPOLIS MN 55484-0001

61 PARK HEATING COOLING  
7801 PARK DRIVE  
CHANHASSEN MN 55317-9210

62 PAUL REGIONAL WATER SERVICE  
1900 RICE STREET  
SAINT PAUL MN 55113-6810

63 PAULA ANDERSON  
3990 SUNSET DRIVE  
SPRING PARK MN 55384-8401

64 PYOD LLC ITS SUCCESSORS AND  
ASSIGNS AS ASSI  
OF ROUNDUP FUNDING LLC  
RESURGENT CAPITAL SERVICES  
PO BOX 19008  
GREENVILLE SC 29602-9008

65 RICK M ILLIES  
1605 MAPLE MANOR ROAD  
MOUND MN 55364-1152

66 RMS  
4836 BRECKSVILLE ROAD  
RICHFIELD OH 44286-9178

67 ROD MCCHARLES  
7650 HALSTEAD DR  
MINNETRISTA MN 55364-9594

68 ROMER ASSOCIATES  
2318 1ST AVE SO  
MINNEAPOLIS MN 55404-3405

69 SARAH MOLLET  
2277 CARTER AVE  
SAINT PAUL MN 55108-1661

70 TONY MUDEK WASTE SERVICE  
BOX 248  
NEWPORT MN 55055-0248

71 TRANSWORLD SYSTEM  
PO BOX 15520  
WILMINGTON DE 19850-5520

72 UPTOWN TRANSFER  
3040 FOURTH AVE SO  
MINNEAPOLIS MN 55408-2409

73 UPTOVLN TRANSFER  
3040 4TH AVE SO  
MINNEAPOLIS MN 55408-2409

74 US TRUSTEE  
1015 US COURTHOUSE  
300 S 4TH ST  
MINNEAPOLIS MN 55415-3070

75 UNITED STATES TRUSTEES  
300 SOUTH FOURTH STREET  
SUITE 1015  
MINNEAPOLIS MN 55415-3070

76 WELLS FARGO HOME MTG  
PO BOX 5296  
CAROL STREAM IL 60197-5296

77 WILLIAM H HENNEY  
5101 THIMSEN AVE STE 200  
MINNETONKA MN 55345-4116

78 WELLS FARGO BANK NA  
ONE HOME CAMPUS MAC X230204C  
BANKRUPTCY PAYMENT PROCESSING  
DES MOINES IA 50328-0001

*DEBTOR*

79 YOCUM OIL  
2719 STILLWATER ROAD  
SAINT PAUL MN 55119-3694

80 DONALD ANDREW DRIGGS  
POST OFFICE BOX 405  
SPRING PARK MN 55384-0405

81 DOUGLAS STONE  
H R BLOCK  
6312 MINNETONKA BLVD  
ST LOUIS PARK MN 55416-2061

82 JOSEPH W DICKER  
JOSEPH W DICKER PA  
1406 WEST LAKE STREET  
SUITE 208  
MINNEAPOLIS MN 55408-2653

83 LINDA M BERREAU CPA  
16418 GLADYS LANE  
MINNETONKA MN 55345-2840

84 MARY L COCCHIARELLA  
1096 EARL ST  
ST PAUL MN 55106-2705

*EXCLUDE*

~~85 RANDALL L SEAVER  
12400 PORTLAND AVENUE SOUTH  
SUITE 132  
DURNSVILLE MN 55337 6005~~

86 THOMAS FLYNN  
LARKIN HOFFMAN DALY LINDGREN  
8300 NORMAN CENTER DR  
STE 1000  
BLOOMINGTON MN 55437-1060